

REMARKS

In the specification, the paragraph starting with "FIG. 3 illustrates a conventional..." at Page 11: Line 22 to Page 12: Line 8 has been amended to correct minor editorial problems. No new matter has been added.

Claims 1-3, 5-12 and 14-17 remain standing in this application. Claims 4, 13, 18 and 19 have been canceled to further prosecution on the merits and without prejudice to the underlying subject matter. Claims 1, 2, 7, 10, 11 and 16 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

37 C.F.R. § 1.83(a)

The drawings stand objected to under 37 CFR § 1.83(a) for not showing every feature of the invention as specified in the claims. Applicant respectfully traverses the objection, and requests reconsideration and withdrawal of the drawing objections.

Applicant submits that every feature of claims 1-3, 5-12 and 14-17 is shown by FIGS. 1-8. Claims 1-3 and 5-9 are method claims implemented by a computer. Claims 12 and 14-17 are article claims having instructions stored on a storage medium for execution by a processor. FIG. 2 illustrates an example of a multi-processor processing system suitable for implementing the subject matter of claims 1-3, 5-12 and 14-17. FIG. 4 illustrates an example of a flow diagram of programming logic suitable for claims 1-3, 5-12 and 14-17. FIGS. 5 and 6 illustrate various examples of packet arrays of claims 1-3, 5-12 and 14-17 as executed by the multi-processor system of FIG. 2. FIG. 7 illustrates an

example of a timing diagram showing the various operations of claims 1-3, 5-12 and 14-17 as executed by the multi-processor system of FIG. 2.

More particularly, the drawings are objected to as not showing the “adding said packet to a packet array.” FIG. 4 illustrates a programming logic 400 having a block 406 annotated with the language “add packet to packet array.”

The drawings are further objected to as not showing “indicating said packet array to a protocol stack based on said resource state.” FIG. 4 illustrates a block 404 annotated with the language “indicate packet array.”

The drawings are further objected to as not showing “indicating said packet array to said protocol stack if said resource state indicator is set to low.” FIG. 4 illustrates blocks 408, 410 and 412 as examples of such indicating operations. Block 412 in particular is a decision block annotated with the language “low resources,” with arrows indicating transfer of program control based on the decision.

The drawings are further objected to as not showing “a packet array construction module truncates said packet array if said explicit resource status for a packet is set to low.” Claims 18 and 19 have been canceled, and therefore this objection is moot.

For at least the reasons given above, Applicant submits that every feature of claims 1-3, 5-12 and 14-17 is shown by FIGS. 1-8. Accordingly, Applicant respectfully requests removal of the drawing objections.

35 U.S.C. § 112 Rejections

Claims 5, 9 and 14 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his

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invention. More particularly, the Office Action states that the “limitation of ‘1-N’ is not specifically described in a way for one to properly interpret what N stands for in the specification.” Office Action, Page 4. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of this 112 rejection.

Applicant respectfully submits that claims 5, 9 and 14 are definite. As stated in the Specification:

For example, the NDIS interface may receive the packet array, and set an implicit resource state indicator for each packet in the array. This may be performed by retrieving each packet 1-N in order from the packet array....

Specification, Page 15: Line 22 to Page 16: Line 10. The Specification further states that:

This example uses only seven packets for purposes of clarity. Packet arrays, however, can be arbitrarily long. In high-speed NDIS drivers, such as gigabit Ethernet drivers, they are typically tens or hundreds of packets in lengths.

Id. at Page 12, Lines 14-16. From such information, as well as other information in the Specification, it can be appreciated that the language “1-N” in the claimed subject matter refers to a length for a packet array, where “N” represents a number of packets in the packet array. Accordingly, removal of the 112 rejection for claims 5, 9 and 14 is respectfully requested.

Claims 1-19 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. More particularly, the Office Action states that “adding said packet to a packet array” as recited in the claimed subject matter is “unclear since a packet is an array, unless the Applicant means to call this an array of packets.” Office Action, Page 4. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of this 112 rejection.

Applicant respectfully submits that claims 1-19 are definite. As stated in the Specification:

FIG 5 illustrates 4 packet arrays for the same packet pattern, with each packet having an explicit resource status indicator and an implicit resource status indicator. The embodiment of the invention constructs four arrays (A, B, C, and D), with array A comprising 3 packets (A1-A3), array B comprising 1 packet (B1), array C comprising 1 packet (C1), and array D comprising 2 packets (D1-D2).

Specification, Page 16, Lines 17-21. From such information, as well as other information in the Specification, it can be appreciated that the language “packet array” in the claimed subject matter refers to an array of packets. Accordingly, removal of the 112 rejection for claims 1-19 is respectfully requested.

Claims 1 and 10 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. More particularly, the Office Action states that the independent claims and dependent claims disclose a “resource state” but “does not distinguish between the two different resource states.” Office Action, Page 4. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a 112 rejection and are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

35 U.S.C. § 102 (b)

At page 5, paragraph 15 of the Office Action claims 1, 2, 6-8, 10, 11 and 15-17 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by United States Patent Number (USPN) 5,872,920 (Hausman). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad ground of rejections stated in the Office Action, Applicant has amended independent claims 1 and 10 to further prosecution on the merits. Independent claims 1 and 10 recite “indicating said packet array to a protocol stack if said resource state comprises a low resource state to reduce copying of packets between buffers.” Hausman fails to disclose at least this language. Consequently, Hausman fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 1 and 10. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to dependent claims 2, 6-8, 11 and 15-17, which depend from independent claims 1 or 10, and therefore contain additional features that further distinguish these claims from Hausman.

35 U.S.C. § 103(a)

At page 7, paragraph 31 of the Office Action claims 3, 4, 12, 13 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hausman in view of USPN 5,901,139 (Shinohara). At page 8, paragraph 40 of the Office Action claims 5, 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hausman in view of Shinohara and further in view of USPN 6,765,873 (Fichou). At page 9, paragraph 49 of

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the Office Action claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hausman in view of Shinohara and further in view of USPN 6,009,104 (Kalkunte). Applicant respectfully traverses these rejections, and requests reconsideration and withdrawal of the obviousness rejections.

Applicant has canceled claims 4 and 13 and has incorporated their subject matter into claims 1 and 10. Therefore, the obviousness rejection with respect to claims 4 and 13 will be addressed below with respect to amended claims 1 and 10. Claims 18 and 19 have been canceled to further prosecution of the remaining claims.

Claims 3, 5, 9, 12 and 14 define over Hausman, Shinohara, Fichou and Kalkunte, whether taken alone or in combination. Claims 3, 5 and 9 depend from independent claim 1. Claims 12 and 14 depend from independent claim 10. Hausman fails to disclose the missing language of independent claims 1 and 10 as previously discussed. Shinohara, Fichou and Kalkunte also fail to disclose “indicating said packet array to a protocol stack if said resource state comprises a low resource state to reduce copying of packets between buffers.” Consequently, dependent claims 3, 5, 9, 12 and 14 are also non-obvious and patentable over Hausman, Shinohara, Fichou and Kalkunte, taken alone or in combination, at least on the basis of their dependency from independent claims 1 and 10. Since claims 3, 5, 9, 12 and 14 are dependent claims, they also have additional features that further distinguish these claims from Hausman, Shinohara, Fichou and Kalkunte as well. Accordingly, Applicant respectfully requests the removal of the obviousness rejection with respect to claims 3, 5, 9, 12 and 14.

Applicant respectfully submits that in light of the foregoing amendments and/or remarks, all of the presently pending claims are in condition for allowance. Entry of the

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present amendment and/or allowance of the presently pending claims are, therefore, respectfully requested.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-3, 5-12 and 14-17 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.


Respectfully submitted,

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s/John F. Kacvinsky/s

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:
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3-7-05
Date

Dated: March 7, 2005

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